

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 12, 2005

(no minute approved orders)

TUESDAY, SEPTEMBER 13, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and S. Nasson, Deputy Clerk.

H026395 BAUTISTA on Habeas Corpus

Cause called and argued by Meredith Fahn appearing for Petitioner and by Catherine McBride, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Bamattre-Manoukian, J. leaves the bench. Elia, J. takes the bench.

H028047 GARCIA v. SAN JOSE APPEALS HEARING BOARD, et al.

Cause called and argued by Alan Forester appearing for Appellant and by Colleen Winchester, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

H026470 PEOPLE v. HUGHES

Cause called and argued by Mitri Hanania appearing for Appellant and by Jeffrey Bryant, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027484 NEESE v. ALTIZER-CATTERTON

Cause called and argued by Henry Koehler appearing for Appellant. No appearance is made on behalf of Respondent. Cause ordered submitted.

H027112 DONALDSON v. DEPT. OF REAL ESTATE OF THE STATE OF CALIFORNIA

Cause called and argued by Stephen Wright appearing for Appellant and by Randall Borcharding, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court recesses until the 1:30 p.m. calendar.

Sixth Appellate District

San Jose, California

Tuesday, September 13, 2005 (continued)

H027365 DE LA ROSA, et al. v. CITY OF SAN JOSE, et al.

The request for publication of the opinion filed in the above entitled action by Colleen O'Brien on behalf of the appellants on September 6, 2005, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 976(c).

In compliance with California Rules of Court, rule 978, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court.

(Rushing, P.J.; Premo, J., and Elia, J. participated in this decision.)

Filed September 13, 2005

H027593 PEOPLE v. VACA

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 13, 2005

H027610 SEMPERVIRENS FUND, et al. v. FOX, et al.

By the Court:

The request for publication of the opinion filed in the above entitled action by respondent on September 6, 2005, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 976(c).

In compliance with California Rules of Court, rule 978, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court.

(Rushing, P.J.; Premo, J., and Elia, J. participated in this decision.)

Filed September 13, 2005

H026819 PEOPLE v. FERNANDEZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 13, 2005

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Premo, Acting P.J.; Elia, J.; Duffy, J.; and J. Casique, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, September 13, 2005 (continued)

H028141 PEOPLE v. VALDEZ

Cause called and argued by Paul Couenhoven appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench and Rushing, P.J. takes the bench.

H027004 PEOPLE v. MCDONOUGH, SR.

Cause called and argued by Walter K. Pyle appearing for Respondent and by John Deist, Deputy Attorney General, appearing for Appellant. Cause ordered submitted.

H027548 PEOPLE v. LEE

Cause called and argued by Irma Castillo appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028025 PEOPLE v. GONZALES

Cause called and argued by William Robinson appearing for Appellant and by Martin S. Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028102 DeBERT v. DUNAJSKI, JR, et al.

Cause called and argued by James Stoelker appearing for Respondents and by John Wallace Watson appearing for Appellant. Cause ordered submitted.

H028104 DeBERT v. COUNTY SANTA CRUZ

Cause called and argued by John Wallace Watson appearing for Appellant and by Julia Hill, Deputy County Counsel, appearing for Respondent. Cause ordered submitted. Court stands in adjournment.

WEDNESDAY, SEPTEMBER 14, 2005

H028012 PEOPLE v. BRUTSCHE

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated July 12, 2005, is hereby vacated. The court by separate letter issued September 12, 2005, has requested possible supplemental briefing from counsel for the appellat. The cause will be resubmitted upon completion of supplemental briefing.

Dated: September 14, 2005

Rushing, P.J.

Sixth Appellate District

San Jose, California

Wednesday, September 14, 2005 (continued)

The following cases are submitted this date:

H028450 SANTA CRUZ COUNTY HRA v. ANNDREA S.

H028767 SAN BENITO COUNTY HEALTH & HUMAN SERVICES v. ANNA W.

THURSDAY, SEPTEMBER 15, 2005

H026751, H026887, H027302 TERRY v. CONLAN

By the Court*:

Respondent's petition for rehearing is denied.

Filed: September 15, 2005

*Before Rushing, P.J., Elia, J. and McAdams, J.

H027712 GALAUSKI, et al. v. CITY OF MONTEREY

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 15, 2005

H027594 PEOPLE v. TAYLOR

By the Court:

To allow the court to further consider the issues, the submission order dated July 7, 2005 is hereby ordered vacated and the cause is ordered resubmitted as of this date.

Dated: September 15, 2005 Rushing, P.J.

FRIDAY, SEPTEMBER 16, 2005

H028248 NASLUND v. DAVE & BUSTER'S OF CALIFORNIA, INC.

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 16, 2005

H028102 DEBERT v. DUNAJSKI, et al.

The order striking plaintiff's second amended complaint is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 16, 2005

H027762 PEOPLE v. DOMINGUEZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 16, 2005

*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Friday, September 16, 2005 (continued)

H027782 PEOPLE v. PEREZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 16, 2005

*Before Rushing, P.J., Premo, J. and Elia, J.

The following cases are submitted this date:

H028564 PEOPLE v. CORTEZ

H027192 PEOPLE v. MORENO

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 16, 2005

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H028730 PEOPLE v. MARTINEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 16, 2005

H028564 PEOPLE v. CORTEZ

The judgment is reversed and the matter is remanded in order to allow defendant to withdraw his plea. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 16, 2005